

REMARKS

In accordance with the foregoing, claims 1, 7, 25, 27 and 31 have been amended, claims 4-6, 9-15, 17-21 and 32 have been cancelled without prejudice or disclaimer and claims 33 and 34 have been added. No new matter is being presented.

Therefore, claims 1, 7, 8, 16, 22-25, 27-31, 33 and 34 are pending and reconsideration is respectfully requested.

Regarding newly added claims claim 33 and 34, it is noted that these claims recite substantially similar subject matter as claim 1 and therefore, they are allowable at least for the same reasons noted below and because they recite features which are not taught or suggest by the prior art cited in the rejections.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 4-13, 15-24, and 31-32 are rejected under 35 U.S.C. §102(e) as being anticipated by Kondo et al (U.S. Patent 6,930,977). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites a read-only optical information storage medium comprising a burst cutting area, a lead-in area, a user data area, and a lead-out area, in which data is recorded in a form of pits. According to the claim, a pattern comprising a sequence of the pits is repeated in an area of the burst cutting area. This subject matter is not shown in the reference to Kondo.

Kondo, which is directed to providing an optical information recording medium that can record and reproduce a main recording signal and an address signal without interference between the two, discloses that the medium is formed with sinusoidally deflected grooves and with address pits scattered and/or allocated according to the sinusoidal pattern between the grooves. Further, unlike the claimed invention, Kondo fails to, by itself, disclose a burst cutting area (BCA).

Observing this defect, the Examiner notes that Kondo incorporates the subject matter of US Patent No. 5,617,408 (the Nishizawa reference, hereinafter referred to as the '408 patent), which appears to disclose a BCA.

In response, applicants respectfully assert that the '408 patent does not disclose repeating a pattern comprising a sequence of pits in an area of the BCA. Rather, the '408 patent

merely discloses an unused area 31, which is devoid of pits, and in which information is recorded so that the unused area 31 constitutes a key information recording area. Here, even if it is assumed that the recording of the information in the unused area 31 results in a situation where the unused area 31 includes a sequence of pits, there is no disclosure, at any point in the '408 patent, that such a sequence of pits would be repeated as claimed.

Thus, applicants respectfully assert that claim 1 is patentably distinguished from the reference to Kondo (and the '408 patent incorporated therein). Therefore, the rejection of claim 1 is traversed.

Regarding the rejections of claims 4-13, 15-24 and 32, it is noted that these claims either have been cancelled or depend from claim 1 and that, therefore, the rejections of these claims are moot or traversed for at least the reasons set forth above.

Regarding the rejections of claim 31, it is noted that claim 31 recites substantially similar subject matter as claim 1 and that, therefore, the rejections of claim 31 is traversed.

REJECTIONS UNDER 35 U.S.C. §103:

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al (U.S. Patent 6,930,977) as applied to claims 1, 4-13, 15-24, and 31-32 above, and further in view of Nagaswara et al (U.S. Patent 6,069,869). Claim 25 and 27-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al (U.S. Patent 6,930,977) and in further view of Kondo (U.S. Patent Publication 2003/0053404). However, since the rejected claims either recite similar features as claim 1 or depend from a claim that recites similar features as claim 1, and since the additionally cited references do not cure the defects of Kondo, as discussed above, these rejections are traversed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 6/4/07

By: Douglas X. Rodriguez
Douglas X. Rodriguez
Registration No. 47,269

1400 Eye Street, NW
Suite 300
Washington, DC 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510